

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL BENNETT,

Plaintiff,

Case No. 15-cv-14465
Hon. Matthew F. Leitman

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

**ORDER GRANTING THE MICHIGAN DEPARTMENT OF
CORRECTIONS' MOTION FOR RECONSIDERATION (ECF No. 165)
AND GRANTING SUMMARY JUDGMENT IN FAVOR OF THE MDOC
ON COUNT I OF PLAINTIFF'S FOURTH AMENDED COMPLAINT**

On August 8, 2020, this Court entered an order that, among other things, denied the Michigan Department of Corrections' ("MDOC") Motion for Summary Judgment on Count I of Plaintiff's Fourth Amended Complaint. (*See* Order, ECF No. 163.) On August 24, 2020, the MDOC timely moved for reconsideration of the Court's order. (*See* Motion, ECF No. 165). The MDOC argued that the Court failed to recognize that the Eleventh Amendment barred Plaintiff's claim in Count I against the MDOC. (*See id.*) On August 25, 2020, the Court entered an order requiring Plaintiff to respond to the Motion for Reconsideration by September 8, 2020. (*See* Order, ECF No. 166.) Plaintiff has not filed a response to the Motion for Reconsideration.

The Court GRANTS the Motion for Reconsideration for the reasons set forth in the Motion. The Court inadvertently missed the MDOC's meritorious Eleventh Amendment defense. The Court now GRANTS summary judgment in favor of the MDOC on Count I of Plaintiff's Fourth Amended Complaint. In all other respects, the Court's August 8, 2020, order remains intact and unchanged. For the reasons explained in that order, the individual Defendants employed by the MDOC are not entitled to summary judgment on Count I of the Plaintiff's Fourth Amended Complaint.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 11, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 11, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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